REMARKS

In response to the Office Action dated May 5, 2006, claims 1 and 4 are amended. Claims 1-6 are now active in this application. Claim 6 is newly added. No new matter has been added.

The indication that claims 4 and 5 are objected to, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims is acknowledged and appreciated.

By this response, claim 4 is amended to be in independent form including all the limitations of base claim 1. Consequently, amended claim 4, and claim 5 depending from amended claim 4, are believed to be allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Stefik et al. (USPN 4,814,552).

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention such that the identically claimed invention is placed into possess of one having ordinary skill in the art. ***Helifix Ltd. v. Blok-Lok, Ltd.,*** 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); ***Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.,*** 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994). In imposing a rejection under 35 U.S.C. § 102, the Examiner is required to identify wherein a particular reference identically describes each feature of a claimed invention. ***In re Rijckaert,*** 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); ***Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.,*** 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984).

As disclosed in the present application, a value of the parameter detected by the distance detecting section is output as a ***digital signal*** (digital signals ***Time Value A*** and ***Time Value B***) and the received waveform control section uses this ***digital signal*** to carry out control of reducing a difference in level of received waveforms.

The Examiner maintain that Stefik et al. discloses "a received waveform control section for carrying out control of reducing a difference in level of received waveforms, based on a result of detection by the distance detecting section, when the ultrasonic receiving sections receive an ultrasonic signal from the ultrasonic transmitting section" at FIG. 4A and column 5, lines 19-35.

Column 5, lines 30-35 of Stefik et al. describe input pin 2 as being attached to the (ultrasonic) transducer while lines 21-29 of this column describe:

> One important element of this part is the automatic gain control (AGC) over a range of 66 db built into the front end amplifier. This is a necessity because the amplitude of the sound input varies inversely as the square of the distance of the stylus from the microphones. The TTL compatible output at pin 9 is a digital pulse, the output transition from false to true corresponding to the time that the first sound cycle peaks at the input.

It is noted that Stefik et al. has no drawing or written description of the internal structure of the amplifier/detector (based on the Signetics or Phillips part number TDA 3047) and there is no description (or figure showing) that the digital pulse at pin 9 is fed back to the amplifier detector of Fig. 4A. In addition, no circuit diagram has been provided by the Examiner of the Signetics or Phillips part number TDA 3047. Consequently, there is insufficient factual evidence of record to realistically conclude that Stefik et al. discloses that a value of the parameter

detected by distance detecting section is output as a ***digital signal*** and this **digital signal** is used by the received waveform control section to carry out control of reducing a difference in level of received waveforms.

To expedite prosecution, claim 1 is amended to recite, *inter alia*:

> a distance detecting section for detecting a parameter that directly or indirectly indicates a distance of the ultrasonic transmitting section from each of the ultrasonic receiving sections ***and outputting a value of the parameter as a digital signal***; and
>
> a received waveform control section for carrying out control of reducing a difference in level of received waveforms, ***using the digital signal of the value of the parameter detected*** by the distance detecting section, when the ultrasonic receiving sections receive an ultrasonic signal from the ultrasonic transmitting section.

Thus, amended independent claim 1 is patentable over Stefik et al., as are dependent claims 2 and 3. Consequently, the allowance of claims 1-3, as amended, is respectfully solicited.

NEW CLAIM

Claim 6, depending from amended independent claim 1, is added and delineates that the digital signal is a time value indicating a time for an ultrasonic signal to travel from the ultrasonic transmitting section to the ultrasonic receiving sections.

As claim 1 is patentable Stefik et al., dependent claim 6 is patentable over Stefik et al. also. Consequently, the allowance of claim 6 is respectfully solicited

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 7, 2006

Respectfully submitted,

By _____

Charles Gorenstein
Registration No.: 29,271
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

CG/EJW/vd